



Robert W. Mauriello, Jr.
Direct Dial 973-401-7119
rmauriello@GrahamCurtin.com

February 25, 2011

BY ELECTRONIC FILING

Honorable David N. Hurd, U.S.D.J.
United States District Court
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261-7367

Re: Fulton Boiler Works, Inc. v. Am. Motorists Ins. Co., et al.
Docket No. 06-CV-1117

Dear Judge Hurd:

On behalf of defendant/third-party defendant Travelers Casualty and Surety Company, f/k/a The Aetna Casualty and Surety Company, ("Travelers") in the above-referenced action, please accept this letter in response to plaintiff Fulton Boiler Works, Inc.'s ("Plaintiff") February 24, 2011 letter request for leave to file a "reply" supplemental brief. Travelers respectfully submits that Plaintiff's request be denied. As Your Honor is aware, there are cross-motions for summary judgment pending in this action that were, before Plaintiff's request to file a supplemental brief, fully submitted. Given that all parties fully submitted their papers and Plaintiffs did not request the opportunity to file a reply brief when Plaintiff first sought to file a supplemental brief, there is no basis under the Federal Rules of Civil Procedure or otherwise for Plaintiff to file such a supplemental "reply" brief now.

Additionally, Travelers respectfully requests that Your Honor disregard and/or formally strike the "contents" portion of Plaintiff's February 24, 2011 letter request from the summary judgment motion record. Plaintiff's submission of the anticipated "contents" of its "reply" supplemental brief finds no support in the Federal Rules of Civil Procedure and amounts to nothing more than a transparent attempt to expand the summary judgment record without prior leave from the Court.



Honorable David N. Hurd, U.S.D.J.
February 25, 2011
Page 2

Accordingly, Travelers respectfully requests that Your Honor deny Plaintiff's request and disregard and/or formally strike the "contents" portion of Plaintiff's February 24, 2011 letter. Of course, if Your Honor requires a conference with the parties, I am available to make the arrangements.

Respectfully,



Robert W. Mauriello, Jr.

RWM/ems

cc: All Counsel of Record (by electronic filing)